



AP/3625
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

IN RE APPLN. OF: SERA

SERIAL NO.: 09/855,149

FILED: May 14, 2001

FOR: Network Commerce System, Orderer Terminal Using the Same...

GROUP: 3625 Confirmation No. 1114

EXAMINER: FADOK, Mark A. DOCKET: NEC 142135

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

In connection with the above-entitled matter, enclosed please find the following:
Appellant's Reply Brief (6 pages).

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 08-1391.

Respectfully submitted,

Norman P. Soloway

Attorney for Appellant

Registration No. 24,315

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP APPEAL BRIEF - PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
April 28, 2006, at Tucson, Arizona.

By

NPS:sm

HAYES SOLOWAY P.C.
3450 E. SUNRISE DR.,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Appln. Of: SERA
Serial No.: 09/855,149
Filed: May 14, 2001
For: Network Commerce System, Orderer Terminal Using the Same...
Group: 3625 Confirmation No. 1114
Examiner: FADOK, Mark A. DOCKET: NEC 142135

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

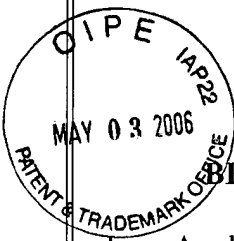


TABLE OF CONTENTS

	<u>Page</u>
APPELLANTS' REPLY BRIEF UNDER 37 CFR 1.193(b).....	1
 I. THE REJECTION OF CLAIMS 15 AND 17-20 AS OBVIOUS FROM THE APA IN VIEW OF PARK ET AL. AND FURTHER IN VIEW OF SHIMAMUNE ET AL. IS IN ERROR.	 1
 CONCLUSION	 4

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Appln. Of: SERA
Serial No.: 09/855,149
Filed: May 14, 2001
For: Network Commerce System, Orderer Terminal Using the Same...
Group: 3625
Examiner: FADOK, Mark A. DOCKET: NEC 142135

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF UNDER 37 CFR 1.193 (b)

This Reply Brief is being filed in response to the new points of argument raised in the Examiner's Answer mailed February 28, 2006. Appellant responds to these new points of argument, as follows:

**I. THE REJECTION OF CLAIMS 1-18 AS BEING
ANTICIPATED BY GARFINKLE IS IN ERROR.**

Simply put, Garfinkle does not teach each and every limitation of claim 1, in combination. Thus, the rejection of the claims as anticipated by Garfinkle is in error.

On page 3 of the Examiner's Answer, the Examiner characterized Garfinkle as follows:

In regards to claim 1, Garfinkle discloses a network commerce system comprising:

an orderer terminal for interaction with an orderer ordering an item or service (FIG. 1, Item 8);

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

a plurality of producing/processing terminals each for interaction with a producer/processor (FIG. 1, item 12), ...

wherein said orderer terminal and said producing/processing terminal *are interconnected via said network* (FIG. 1).

The Examiner is in error. There is no teaching or suggestion in Garfinkle that items 8 and 12 of FIG. 1 are interconnected via said network. Item 8 is a photographer that delivers exposed photographic film to a developer, item 12. This delivery is not performed via a network. Further, the developer, item 12, delivers prints or the like to the scanning center 14, another non-network connection. Thus, the photographer 8 and the developer 12 are not interconnected via said network as required by Appellant's claims.

On page 3 of the Examiner's Answer, the Examiner characterizes Garfinkle as teaching:

Interfaces A, B, and C, see also, col 10 lines 28-40 where it is distinctly taught that interface B receives an order from an orderer (photographer 8) and the order is transmitted to a producing/processing terminal (fulfillment center 20) via a network interconnected as shown in FIG 1.

Yet it is clear from FIG 1, interface B and the producing/processing terminal (fulfillment center 20) are not directly linked. Literally observing the figure, fulfillment center 20 is indirectly linked to interface B via the photographer 8 and interface C. The specification does not teach the producing/processing terminal (fulfillment center 20) and the photographer 8 are directly linked by a network. Therefore, if there is an order transmitted from interface B to the producing/processing terminal, as taught by the claimed invention, the signal would need to be transmitted by interface C.

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

Actually, what Garfinkle teaches is “the image server 16 also provides an HTML-based administrative interface C which is accessible by the developer 12, the scanning center 14, the fulfillment center 20, and other appropriate parties.” Thus, in Garfinkle, interface C does not “transmit”, as argued in the Examiner’s Answer. Interface C is a passive architectural element that provides parties with access to the image server 16. Further, the specification does not explicitly teach any means of transmitting an order over a network to the fulfillment center 20. Similarly, “a transmitter” cited at the top of page 4 of the Examiner’s Answer is not taught by Garfinkle.

On page 4 of the Examiner’s Answer, the Examiner characterizes Garfinkle as teaching “said headquarters terminal selectively determining said producing/processing terminal.” Garfinkle does not teach or suggest that the headquarters terminal “selectively determines” said producing/processing terminal. Garfinkle mentions in a preferred embodiment that the photographer 8 chooses the fulfillment center 20. However, Garfinkle fails to teach or suggest any rule by which a headquarters terminal would process a “selective determination” of fulfillment centers 20.

Pages 4-7 of the answer discuss the dependent claims. Appellant’s Appeal Brief limits the arguments to the limitations of claim 1, which are depended upon and/or consistent with the limitations of claims 2-18. Thus, no discussion is necessary, the patentability of claims 2-18 being linked to the patentability of claim 1.

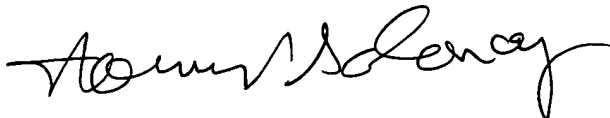
HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

CONCLUSION

In view of the foregoing, it is respectfully requested that the Examiner's Rejection of the subject Application be reversed in all respects.


Respectfully submitted,



Norman P. Soloway
Attorney for Appellant
Reg. No. 24,315

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP APPEAL BRIEF - PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 28, 2006, at Tucson, Arizona.

By 

NPS/tas:kls:sm

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567